

JOHN ASHCROFT
Governor

FREDERICK A. BRUNNER
Director



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

MEMORANDUM

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation,
and Historic Preservation

Westlake Landfill
Southern County

Site:	Westlake 012
ID #	MRD079900932
Break:	17.8
Other:	12.5.88

DATE: December 5, 1988

TO: Mr. William C. Ford, Director, DEQ

FROM: David Bedan, DEQ Administration *David G. Bedan*

SUBJECT: Site Visit and Meeting at Westlake Landfill (11/28/88)

On November 28, 1988 I visited Westlake Landfill and met with representatives of the U.S. Nuclear Regulatory Commission (Jerry Swift), Rock Road Industries, Inc., (Bill Whitaker), Laidlaw Waste Systems, Inc., (Michael Whitlock and Scott Schreiber), and Burns and McDonnell (Robbie Robinson). The meeting was initiated by the NRC. EPA was invited to the meeting but did not attend.

A tour of the site showed that the radioactive waste areas have settled and that a shallow basin now exists, particularly in Area Two (the larger Area). As a result, all rainfall is percolating through the waste. Monitoring wells are in place but are not being used. Crushed rock is being temporarily stored on a portion of the radioactive waste Area Two. Overfilling with demolition waste is in progress on other portions on the old landfill.

Whitaker explained that on August 1, 1988 Westlake, Inc., sold its solid waste landfill operations to Laidlaw. The two radioactive waste areas were retained under a new company, Rock Road Industries, Inc., which has no other business or property. Westlake Landfill, Inc., no longer exists, however, two other former Westlake subsidiaries (Westlake Quarries, Inc., and Westlake Redimix, Inc.) still exist and own certain portions of the old Westlake property. The property ownership is very complex and involves the Trump Estate, the Catholic Archdiocese of St. Louis, three Catholic charities, and Rock Road Industries. Also, a portion of the land is owned by the Trump Estate and leased to Westlake Quarries which in turn leases it to Rock Road Industries.

Robinson gave a brief history of the landfill, indicating that waste disposal began in the 1950's and that by the 1960's it was a major landfill. At the request of the Waste Management Program, Westlake conducted a groundwater study in 1986 and submitted a

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proposal to the WMP in January 1987 for continued monitoring at the old landfill site (which includes the radioactive waste areas). Westlake (Rock Road) has not received a reply to this proposal. Whitaker stated that Rock Road Industries is willing to pay for monitoring for organics/inorganics but they believe that the federal government should pay for radionuclide monitoring.

Robinson also discussed the management of the old landfill. Many areas of the old landfill are being overfilled with demolition debris. Laidlaw and Rock Road would like to cover the radioactive waste areas with demolition waste and construct a RCRA type cover on it. Representatives of NRC and MDNR both indicated that such an action could not be considered a final action but might qualify as an interim remedial action. Schrieber (Laidlaw) stated that Laidlaw would not commit to a RCRA cover unless it is considered a permanent solution.

Swift discussed the NRC's options. He stated that when the material was moved (without approval) from Latty Avenue to Westlake in 1973 it was under the control of a licensee (Cotter Corp.). At that time NRC could have used its enforcement powers to require the licensee to take remedial action. Swift stated, however, that there is a five year statute of limitations on NRC's enforcement powers and that they no longer have any enforcement authority over Cotter.

Schreiber (Laidlaw) suggested that the U.S. Department of Energy might want to consider using the Westlake site for disposal of the FUSRAP site wastes with DOE assuming ownership and control of the land and wastes.

I urged Swift to publish the UMC study on the site and provide an NRC statement regarding NRC's authority and intentions at the site.

The potential existence of mixed wastes was discussed but the potential existence of RCRA (non-mixed) waste was not discussed. The possibility of DOE assuming control of the radioactive waste at the direction of Congress was discussed.

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RECOMMENDATIONS:

- 1) MDNR should respond to the monitoring proposal.
- 2) MDNR should investigate the ownership issue.
- 3) MDNR should develop a strategy for investigating potential RCRA wastes at the site.
- 4) MDNR should meet with the EPA to determine an overall strategy for the site.

DEB/cjj

cc: Mr. Ron Kucera, Deputy Director, DNR
Ms. Carolyn DeRoos, Legal Office
Mr. Nick Di Pasquale, Director, WMP
Dr. Jim Williams, Director, DGLS